

## Message Text

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PAGE 01 STATE 103683  
ORIGIN SAB-02

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DRAFTED BY S/AB:WTPYRCE  
APPROVED BY S/AB:AMB. POPPER  
ARA/PAN - MR. HAAHR  
L/ARA - MR. KOZAK  
USOAS - MR. TRAGEN(SUBS)  
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O 221831Z APR 78 ZFF4  
FM SECSTATE WASHDC  
TO AMEMBASSY PANAMA NIACT IMMEDIATE

C O N F I D E N T I A L STATE 103683

STADIS//////////

E.O. 11652: GDS

TAGS: PBOR, PN

SUBJ: PANAMANIAN DRAFT OAS RESOLUTION ON PANAMA CANAL  
TREATIES

REF: POPPER-JORDEN TELECON OF 4/22/78; STATE 102628

FOR AMBASSADOR JORDEN

1. BELOW FOLLOWS ENGLISH TRANSLATION OF PANAMANIAN DRAFT  
OAS RESOLUTION WE SPOKE ABOUT TODAY. AS I TOLD YOU, WE  
FEEL THIS TEXT IS UTTERLY UNACCEPTABLE. WHAT WORRIES US  
MOST IS THAT IN SUBMITTING SUCH A DRAFT, PANAMANIANSEEM  
TO BE SLIPPING INTO OLD ATTITUDES AND LOSING SIGHT OF  
FACT THAT ONE OF THE MAJOR BENEFITS OF NEW TREATIES IS THAT  
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THEY ENABLE US TO LOOK FORWARD IN A NEW SPIRIT OF COOPERA-  
TION, FREE OF THE IDEOLOGICAL IMPEDIMENTS OF THE PAST.

IN CONVERSATION WITH AMBASSADOR LEWIS YOU MAY WISH TO POINT  
OUT THAT US DRAFT DEFINES PRINCIPLE OF NON-INTERVENTION  
REFERRED TO IN LEADERSHIP RESERVATION IN MANNER WHICH SHOULD  
BE SATISFACTORY TO PANAMANIANSE; THAT IS, AS SET FORTH IN UN

AND OAS CHARTERS AND RIO TREATY. HOWEVER, OUR DRAFT DOES SO IN A NON-CONTENTIOUS MANNER WHICH WILL NOT CREATE PROBLEMS FOR THOSE WHO WISH MOVE FORWARD PROMPTLY WITH IMPLEMENTING

LEGISLATION.

2. BEGIN QUOTE; THE PERMANENT COUNCIL OF THE ORGANIZATION OF AMERICAN STATES

IN VIEW OF:

THE REQUEST SUBMITTED TO THIS COUNCIL BY THE GOVERNMENT OF THE REPUBLIC OF PANAMA THROUGH ITS PERMANENT REPRESENTATIVE;

THE OBLIGATION IMPOSED ON THE COUNCIL BY ARTICLE 82 OF THE CHARTER TO KEEP VIGILANCE OVER THE MAINTENANCE OF FRIENDLY RELATIONS AMONG THE MEMBER STATES:

CONSIDERING:

THAT DURING ITS FIFTH, SIXTH, AND SEVENTH REGULAR SESSIONS THE GENERAL ASSEMBLY APPROVED RESOLUTIONS EXPRESSING ITS HOPES FOR A PROMPT AND HAPPY CONCLUSION TO THE NEGOTIATIONS IN PROGRESS BETWEEN "THE GOVERNMENTS OF THE UNITED STATES OF AMERICA AND THE REPUBLIC OF PANAMA FOR THE CONFIDENTIAL

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PURPOSE OF CONCLUDING A NEW, JUST, AND EQUITABLE TREATY ON THE CANAL WHICH WOULD DEFINITELY ELIMINATE THE CAUSES OF CONFLICT BETWEEN THE TWO COUNTRIES AND WOULD BE AN EFFECTIVE FACTOR IN STRENGTHENING THE INTERNATIONAL CO-OPERATION AND PEACE IN THE AMERICAN HEMISPHERE" (TRANSLATED WITHOUT REFERENCE TO OFFICIAL ENGLISH VERSION);

THAT THE NEGOTIATIONS BETWEEN THE GOVERNMENTS OF PANAMA AND THE UNITED STATES OF AMERICA HAD THEIR ORIGIN IN THE JOINT DECLARATION SIGNED BY THE REPRESENTATIVES OF BOTH GOVERNMENTS BEFORE THE FORMER OAS COUNCIL ON APRIL 3, 1964;

THAT THE AFOREMENTIONED NEGOTIATIONS CULMINATED IN THE CONCLUSION OF THE TWO TREATIES KNOWN AS THE PANAMA CANAL TREATY AND THE TREATY CONCERNING THE PERMANENT NEUTRALITY AND OPERATION OF THE PANAMA CANAL, SIGNED IN THE HALL OF THE AMERICAS OF THE ORGANIZATION OF AMERICAN STATES BUILDING ON SEPTEMBER 7, 1977 BY THEIR EXCELLENCIES JIMMY CARTER, PRESIDENT OF THE UNITED STATES OF AMERICA AND OMAR TORRIJOS HERRERA, CHIEF OF GOVERNMENT OF PANAMA, AND INCORPORATED INTO THE MINUTES OF THE REGULAR SESSION OF

THIS COUNCIL HELD ON SEPTEMBER 14, 1977 (PC/MINUTES 297/77);

THAT IN ACCORDANCE WITH THEIR OWN CONSTITUTIONAL PROCEDURES THE PEOPLE OF PANAMA APPROVED BOTH TREATIES IN A

PLEBESCITE HELD ON OCTOBER 23, 1977;

THAT ON APRIL 18, 1977 THE UNITED STATES SENATE CONCLUDED ITS CONSTITUTIONAL PROCESS OF RATIFICATION OF THE AFOREMENTIONED TREATIES AFTER INTRODUCING INTO THE TREATY CONCERNING THE PERMANENT NEUTRALITY AND OPERATION OF THE PANAMA CANAL A RESERVATION WHICH CAUSED DEEP CONCERN IN THE AMERICAN HEMISPHERE IN THAT IT COULD SIGNIFY A VIOLATION OF THE CONFIDENTIAL

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LATION OF THE PROVISIONS OF CHAPTER IV OF THE CHARTER OF THE OAS, AND PARTICULARLY OF ARTICLES 16, 18, AND 20 WHICH READ:

ARTICLE 16:

EACH STATE HAS THE RIGHT TO DEVELOP ITS CULTURAL, POLITICAL, AND ECONOMIC LIFE FREELY AND NATURALLY. IN THIS FREE DEVELOPMENT, THE STATE SHALL RESPECT THE RIGHTS OF THE INDIVIDUAL AND THE PRINCIPLES OF UNIVERSAL MORALITY.

ARTICLE 18:

NO STATE OR GROUP OF STATES HAS THE RIGHT TO INTERVENE, DIRECTLY OR INDIRECTLY, FOR ANY REASON WHATEVER, IN THE INTERNAL OR EXTERNAL AFFAIRS OF ANY OTHER STATE. THE FOREGOING PRINCIPLE PROHIBITS NOT ONLY ARMED FORCE BUT ALSO ANY OTHER FORM OF INTERFERENCE OR ATTEMPTED THREAT AGAINST THE PERSONALITY OF THE STATE OR AGAINST ITS POLITICAL, ECONOMIC, AND CULTURAL ELEMENTS.

ARTICLE 20:

THE TERRITORY OF A STATE IS INVOLABLE; IT MAY NOT BE THE OBJECT, EVEN TEMPORARILY, OF MILITARY OCCUPATION OR OF OTHER MEASURES OF FORCE TAKEN BY ANOTHER STATE, DIRECTLY OR INDIRECTLY, ON ANY GROUNDS WHATEVER. NO TERRITORIAL ACQUISITIONS OR SPECIAL ADVANTAGES OBTAINED EITHER BY FORCE OR BY OTHER MEANS OF COERCION SHALL BE RECOGNIZED.

THAT HAPPILY THE NOXIOUS EFFECTS OF THE AFOREMENTIONED RESERVATION WERE NEUTRALIZED IN THE DOCUMENT OF RATIFICATION OF THE PANAMA CANAL TREATY;  
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THAT THE GOVERNMENT OF PANAMA HAS PUBLICLY DECLARED, AFTER STUDYING THE UNITED STATES SENATE RESOLUTION INCORPORATED INTO THE RATIFICATION OF THE PANAMA CANAL TREATY, THAT IT ACCEPTS THE RESOLUTION AS A FORMAL ASSURANCE AND GUARANTY ON THE PART OF THE UNITED STATES THAT THE UNITED STATES HAS NO INTENTION WHATSOEVER OF USING THE IMPLEMENTATION OF THE TREATIES AS A MOTIVE, PRETEXT, OR EXCUSE FOR ANY

ATTEMPT OR ACT WHICH MIGHT IN ANY WAY OCCASION, IMPLY, OR SIGNIFY DISREGARD, THREAT, ATTACK, OR VIOLATION OF THE FUNDAMENTAL RIGHTS OF THE REPUBLIC OF PANAMA AS A SOVEREIGN AND INDEPENDENT STATE, OR HAVE THE PURPOSE OF OR IMPLY AN ATTEMPT TO INTERVENE IN THE INTERNAL OR FOREIGN AFFAIRS OF THE REPUBLIC OF PANAMA, TO LIMIT OR IMPAIR ITS POLITICAL INDEPENDENCE, OR TO VIOLATE ITS TERRITORIAL INTEGRITY OR DIMINISH ITS SOVEREIGNTY, THAT IT (THE GOVERNMENT OF PANAMA) HAS CATEGORICALLY STATED THAT THIS DECLARATION CONSTITUTES AN INVARIABLE AND PERMANENT RULE OF CONDUCT WITH REGARD TO THE IMPLEMENTATION OF THE TREATIES AND THAT, IN CONSEQUENCE, THE REPUBLIC OF PANAMA WILL AT ALL TIMES REACT FIRMLY AND RESOLUTELY IN THE FACE OF ANY EVIDENCE, INTENTION, OR ATTEMPT TO APPLY THE STIPULATIONS CONCERNING THE FREE AND NONDISCRIMINATORY TRANSIT THROUGH THE CANAL, AND CONCERNING ITS NEUTRALITY, SECURITY, OR ACCESS, IN ANY WAY OR SENSE THAT AFFECTS THE POLITICAL INDEPENDENCE, SOVEREIGNTY, AND TERRITORIAL INTEGRITY OF THE REPUBLIC OF PANAMA.

THAT THE GOVERNMENT OF THE UNITED STATES HAS STATED PUBLICLY THAT IT WILL ALWAYS RESPECT THE SOVEREIGNTY, POLITICAL INDEPENDENCE, AND TERRITORIAL INTEGRITY OF THE REPUBLIC OF PANAMA.

RESOLVES

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TO TAKE NOTE OF THE STATEMENTS OF THE GOVERNMENTS OF THE REPUBLIC OF PANAMA AND THE UNITED STATES OF AMERICA IN SUPPORT OF THE PRECEPTS CONTAINED IN CHAPTER IV OF THE CHARTER OF THE OAS, AND TO DEMONSTRATE ITS SATISFACTION WITH THESE CORRECT INTERPRETATIONS WHICH STRENGTHEN THE PEACEFUL COEXISTENCE OF THE AMERICAN STATES.

TO STATE ITS SATISFACTION THAT THE EFFORTS OF THE GOVERNMENT OF PANAMA AND THE UNITED STATES OF AMERICA TO ELIMINATE THE CAUSES OF CONFLICT BETWEEN THE TWO COUNTRIES HAVE SUCCESSFULLY CULMINATED IN THE CONCLUSION OF HONORABLE AGREEMENTS WHICH MAKE CLEAR THE PEACEFUL VOCATION OF THE AMERICAN HEMISPHERE AND DEMONSTRATE THE ABILITY OF THE OAS MEMBER STATES TO RESOLVE THEIR DISPUTES, DIFFERENCES, AND CONTROVERSIES THROUGH THE PEACEFUL PROCEDURES SET FORTH IN OUR CHARTER.

WASHINGTON, D.C. END QUOTE. CHRISTOPHER

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## Message Attributes

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**Channel Indicators:** n/a  
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